

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIBEL BAEZ; FELIPA CRUZ; RD., ON BEHALF OF  
HER MINOR CHILD, A.S.; on their own behalf and  
on behalf of all others similarly situated;  
UPPER MANHATTAN TOGETHER, INC.; and  
SOUTH BRONX CHURCHES SPONSORING  
COMMITTEE, INC.,

Plaintiffs,

vs.

NEW YORK CITY HOUSING AUTHORITY,

Defendant.

13 Civ. 8916 (WHP)

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**DECLARATION OF WANDA R. IN SUPPORT OF**  
**PLAINTIFFS' MOTION TO ENFORCE STIPULATION AND ORDER**

I, WANDA R., declare under penalty of perjury that the following is true and correct:

1. I make this declaration in support of Plaintiffs' motion to enforce the stipulation and order this Court approved on April 17, 2014.

2. I live in New York City Housing Authority ("NYCHA") housing in the Bronx. I am a tenant at 1428 Webster Avenue, Apartment 2L, Bronx, New York 10456.

3. I have lived at 1428 Webster Avenue, Apartment 2L since 1990. My mother and my three children live with me in the apartment. I am thirty-seven years old.

4. My mother is fifty-eight years old and was diagnosed with asthma in 1990. Her doctor's name is Dr. Calderón. Dr. Calderón's phone number is 718-569-7929.

5. In addition to being asthmatic, my mother suffers from a skin ulcer in her legs and has been on bed rest. Dr. Calderón told her that the excessive moisture in the apartment could be exacerbating the medical conditions in her legs.

6. My seven-year-old daughter, S.D., also suffers from asthma. The name of the doctor who diagnosed S.D. is Dr. George, and the contact number for Dr. George is 718-617-2500.

7. S.D. is also autistic, and sometimes she will pick at and eat the paint chipping away from the walls due to the excessive moisture in my apartment.

8. My thirteen-year-old son, R.D., also suffers from asthma. He was diagnosed with asthma when he was a baby. R.D. also sees Dr. George.

9. Since the early 1990s, I have dealt with mold issues in my apartment on an ongoing basis. In the bathroom, mold covers the ceiling and has also surrounded the tub and toilet areas. The bathroom has no windows, and the vent in the bathroom does not work properly and is clogged by dirt. The bathroom smells very bad from the mold, and nobody in the apartment can use the bathroom for more than five minutes at a time as a result. When anyone showers in the bathroom, the walls sweat. Photographs of the mold and excessive moisture problems in my apartment are attached to this declaration as Exhibit 1.

10. Mold is growing in the kitchen around the edges and near the kitchen sink. There is also mold on the ceiling throughout the apartment, and a large hole in the hallway wall next to the bathroom caused by excessive moisture from the bathroom. The mold and excessive moisture have also damaged the wall by making yellow-brownish stains on the wall and by causing the paint and plaster to crumble.

11. My mother and I have called NYCHA on a periodic basis to complain about the mold since the mold issues first began.

12. Instead of addressing the source of excessive moisture causing the mold in my bathroom and kitchen and the crumbling plaster in the hallway, NYCHA has only cleaned the mold and painted the walls.

13. For example, in the spring of 2014, part of the ceiling in the bathroom fell on my daughter because of the mold and excessive moisture issues. I complained to NYCHA about the ceiling immediately. The work order ticket number associated with this complaint is 31526590. NYCHA did not send anyone to make the repairs for a few weeks. When a NYCHA worker finally came to my apartment, he plastered the ceiling, and said that someone would come back to paint. The NYCHA worker did not enclose the bathroom area while making the repairs. Then, when no NYCHA worker came back a week later, I painted over the plaster on the wall myself. No one from NYCHA came to determine why the ceiling had fallen or what should be done to prevent it from happening again.

14. Last August, I contacted NYCHA to complain about the mold in my bathroom and kitchen (work order ticket numbers 32915306 and 32915311) that had reappeared even though it had been painted over in the past. In response, NYCHA workers came to my apartment and told me that the marks on the wall were not mold. One NYCHA worker told me to use Clorox to clean away the "dirt." NYCHA workers have also told my family and me to leave the bathroom door open while taking showers and to stop taking hot showers. Then, when NYCHA workers came to my apartment on August 29, 2014, they simply tried to clean the mold with a rag and replaced caulking in the bathroom. By September 3, 2014, the mold grew back.

15. For the last two years or so, soap and water come pouring out of the drain in the kitchen and onto the kitchen floor whenever the sink in the apartment above ours is in use. At one time, there was also a big hole in my kitchen cabinets, through which roaches crawled into the apartment. As a temporary solution, we tried to close the hole with towels. Additionally, the caulking around the kitchen sink is coming out, and the entire sink area smells very bad. There is mold surrounding the kitchen sink as well as the pipes under the sink and lining the edges of the kitchen wall. We have made many complaints to NYCHA about these conditions. When we point out the mold in the kitchen to NYCHA workers, we are given the same explanation: “It isn’t mold, it’s dirt.”

16. In early March 2015, NYCHA workers came to my apartment and replaced the toilet in my bathroom. The work order ticket number associated with this repair is 36184610. However, the replacement of the toilet did nothing to fix the mold issues in my apartment. When the NYCHA workers came back to the apartment on March 10, 2015 they again told me that there was no mold in my apartment and that the stains on the wall were “just from the hot water.”

17. Soon after the toilet replacement, I was contacted by my building’s housing assistant, who said that NYCHA would be coming later in the week to change the cabinets in my kitchen and address the mold issues. The work order ticket number associated with the cabinet replacement is 36323109. When a NYCHA carpenter came on March 13, 2015 to replace the cabinets, he saw our temporary fix of using towels to plug the hole in the cabinets and then told my mother that there was no need to replace the cabinets because the towels were working. He said he would only replace the doors of the cabinets, but my mother refused the work. The carpenter came back later and ended up replacing the broken part of the cabinets and fixing the

hole. However, nobody came to fix the sink, and soapy water still comes out of the sink onto the kitchen floor. Nobody came to address the mold issues either.

18. Then, on March 25, 2015, a NYCHA worker came to my apartment to plaster over the hole in my hallway wall. The work order ticket number associated with this visit is 36184687. My mother refused to let the worker plaster over the hole because he was not going to do anything to address the moisture that caused the hole to form. Later that day, a NYCHA representative came to my apartment and asked why my mother refused the work. When my mother explained why, the NYCHA representative denied that the hole was related to moisture issues.

19. A few weeks later, in April, NYCHA maintenance staff came back to repair the hole in my hallway wall. The work order ticket number associated with this repair is 36935146. This time, the maintenance staff opened the wall up and began inspecting inside the wall. Later, on April 13, 2015, the NYCHA workers stopped working on the open wall, claiming that the problem was a leak from a neighboring apartment. However, the NYCHA workers told me they could not do anything else to my wall because the resident next door would not open the door to let them in. The workers did not close the wall back up, and only covered it with cardboard. On April 14, 2015, the work order ticket for this repair was already closed. Today, April 17, 2015, NYCHA notified me that they will attempt to get access to the neighboring apartment on April 23, 2015, but as of this date, there is a large, un-plastered hole in my hallway wall.

20. The mold continues to grow and spread in my bathroom and kitchen, and there is still a large hole in the hallway wall. While it was good that NYCHA replaced the toilet and fixed the cabinets, they still have not addressed the serious issues of mold and excessive moisture in my apartment.

21. I have complained to NYCHA about the mold in my apartment many times. In response, NYCHA has just cleaned and painted over the mold. Soon after each repair, the mold reappears. On other occasions, NYCHA will do nothing, and instead tell us to leave the bathroom door open or stop taking hot showers. They are adamant that the mold is dirt, even though we have excessive moisture issues in the bathroom, hallway, and kitchen areas.

4/17/2015  
Date

Wanda R.  
Wanda R.